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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,589	12/18/2001	Dong Sung Kim	HI-0059	6167

34610 7590 05/02/2006

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EXAMINER

HSU, ALPUS

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,589

Applicant(s)

KIM, DONG SUNG

Examiner

Alpus H. Hsu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 19-26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's election with traverse of Group I (Claims 1-18) in the reply filed on February 23, 2006 is acknowledged. The traversal is on the ground(s) that the search and examination of an entire application could be made without serious burden. This is not found persuasive because the two different groups of inventions are clearly distinct and require separate searches in two different classes. Therefore, the thorough search and examination for two distinct inventions in two different classes definitely imposes serious burden on the examiner. Therefore, the restriction requirement has been sustained, and Group II (Claims 19-26) has not been treated on the merit.

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, it is confusing for reciting "processing packet data" since it is the voice data to be formatted as in line 1 of the preamble. How is the packet data in line 2 related to the voice data in line 1?

In claim 9, lines 2 and 7, it is confusing for reciting "the framing information" and "the BTS". Is it referring to the same framing information and same BTS as in claim 1? If they were, then, it would be improper for a device to send and receive the same information to/from itself.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by HAN in U.S.

Patent No. 6,333,927.

Regarding claims 1-8, HAN discloses a method for formatting voice data comprising: processing packet data received from a base transceiver station (BTS) (col. 1, lines 47-53); expanding the processed packet data using a fixed code rate rule (col. 2, lines 50-52); and transmitting the expanded packet data with framing information to a mobile switching center (MSC) (col. 3, lines 3-10).

6. Claims 9-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 13-18 are allowed.

8. The following is an examiner's statement of reasons for allowance:

The subject matter of claims 13-18 is allowable over the prior art of record because all prior arts fail to teach or suggest a method for formatting voice data in a mobile telecommunication system, wherein the system has a first base station controller (BSC) that converts the voice data received from a first base transceiver station (BTS) into a fixed packet format and transmits the converted voice data to a mobile station controller (MSC); and a second BSC that converts the voice data received from the MSC into the fixed packet format and transmits the converted voice data to a second BTS, the method comprising: expanding the voice

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data, from the first BTS, and pre-designated information using a fixed code rate rule at the first BSC; inserting synchronous information into the expanded voice data at the first BSC; transmitting the expanded voice data with the synchronous information to the MSC; extracting the synchronous information from the expanded voice data received from the MSC; restoring the voice data by removing redundant information of the expanded voice data added by the fixed code rate rule expansion; processing the restored voice data at the second BSC; and transmitting the processed voice data to the second BTS.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lohman, Lu et al., Timbs et al., Sauer et al. '543 & '950, and baker et al. are cited to show the feature of audio/speech/voice data transmission in mobile communication system utilizing the vocoder/transcoder for packet processing similar to the claimed invention.

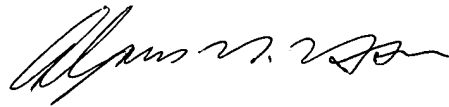
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH

A handwritten signature in black ink, appearing to read 'Alpus H. Hsu', written in a cursive style.

Alpus H. Hsu
Primary Examiner
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